

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-14 are now present in this application. Claims 1 and 9 are independent. Claims 1 and 9 have been amended. Reconsideration of this application, as amended, is respectfully requested.

35 U.S.C. § 102(e) Rejection

Claims 1-5, 8-9 and 11-14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Humpleman et al. (U.S. Patent No. 6,182,094). This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of steps in a method of a menu-based remote control of external devices, including (c) receiving the second menu image from the selected external device and displaying the second menu image on said display device in place of the first menu image previously displayed on said display device, and displaying the result of said operation on said display device in place of any image previously displayed. Applicants respectfully submit that this combination of elements as

set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Humpleman.

A key operation of Humpleman is to display available devices on a first display, determine their capabilities, and then link compatible devices together in order to initiate communications therebetween. The first display device is needed to manage the operations of the network of Humpleman (see Humpleman, Col.15, line 56 – Col.16, line 12). For example, the first display device may be used to link a DVD player to a second display device (DTV) on the network. Examples of the first display device are 402 in Fig. 5A, 502 in Fig. 6, 606 in Fig. 7, 702 in Figs. 8 and 10, 902 in Fig. 11, etc. The first display device is referred to in Humpleman as a device link page (402,502) or for example, a session page (702, 902), session manager (1002), etc.

Regardless of the designation, the first display device must display multiply menus (home pages) of several devices simultaneously in order to assess compatibility and then to initiate communications therebetween. If the first display device were used to display, for example, a video image of a DVD player in place of the home pages, then a user would lose control of the operation. Therefore, in Humpleman, a displayed menu image cannot be replaced with a second menu image or a video image without defeating the purpose of the Humpleman patent. It follows that displaying the second menu image on said display device in place of the first menu image previously displayed on said

display device, and displaying the result of said operation on said display device in place of any image previously displayed is neither taught nor suggested by Humpleman.

Independent claim 9 has been similarly amended to recite a combination of steps in a method of menu-based remote control of external devices, including displaying the second menu image on said display device to replace the first menu image previously displayed on said display device, and displaying the result of said operation on said display device to replace any image previously displayed.

The same reasons presented with respect to the patentability of independent claim 1 apply to independent claim 9. For these reasons, as set forth above, Humpleman fails to teach the combinations recited in claims 1 and 9, as amended. Accordingly, the invention as recited in independent claims 1 and 9 and their dependent claims (due to their dependency) is patentable over Humpleman et al., and the rejection should be withdrawn.

35 U.S.C. § 103 Rejection

Claims 6-7 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Humpleman et al. in view of Kim (U.S. Patent No. 6,133,911). This rejection is respectfully traversed.

As discussed above, Humpleman et al. does not teach or suggest at least the above-noted features recited in independent claims 1 and 9 from which claims 6-7 and 10 depend. Kim also does not overcome this deficiency of Humpleman et al.

Therefore, even if the references are combinable, assuming *arguendo*, the combination of references does not teach or suggest the invention as recited in claims 1 and 9 (as amended) and claims 6-7 and 10. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicit an early issuance of a Notice of Allowance.

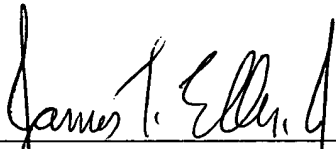
Since the above amendment to claim 9 correct a minor informality, entry of the present Amendment is deemed proper and requested.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James T. Eller, Jr., #39,538
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JTE/PLS:jls
JTE/EHC:lmh